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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,668	05/29/2001	Satoshi Shimomura	Q64717	4160

7590 05/25/2004

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EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
2683	6

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/865,668	Applicant(s) SHIMOMURA, SATOSHI	
	Examiner Joseph D Nguyen	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15, -16, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-16, and 25-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 15-16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,224,486) in view of Lydon et al. (6,569,012).

Regarding claim 1, Walker et al. discloses a method of implementing an audition system, which includes carrying out a preliminary examination (qualified to advance) involving a predetermined workout exercised by a person before an audition (abstract, col. 9 line 7-45), via communication between a center side and a cell phone (handheld electronic device) (col. 5 lines 15-37) that is assigned personal identification information (col. 6 line 27-48), the method comprising the steps of:

a) obtaining, as personal record data (abstract, fig. 3-6, col. 6 lines 27-67, and col. 7 line 5 thru col. 9 line 31); a result of a workout exercised by the person (col. 9 line 10-31);

b) producing a total personal password with reference to the personal identification information and the personal record data (when the central controller generates a unique identifier for the player and stores it in the database and the unique identifier is including all the information such as: his name, social security number,

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account number, password plus the result of the tournament are stored, which means it's producing a total personal password) (abstract, fig. 3, col. 6 line 27 thru col. 9 line 6); and

c) transmitting (communicating the unique identifier) the total personal password together with the personal identification information assigned to the cell phone, to the center side (fig. 2-6, col. 6 lines 1-67). However, Walker et al. does not specifically disclose the personal identification information assigned to the cell phone, and an audition system to carry out the preliminary examination and predetermined workout exercise. But it would have been obvious to one ordinary skilled in the art that the personal identification information has to be assigned to each player device in order to verify the contestant data record in order to avoid the imposter; and

Lydon et al. teaches the audition system (server 104 fig. 1) to carry out a preliminary examination involving a predetermined workout exercised by a person before an audition (abstract, fig. 1, 4-5, 7-12, col. 17 line 4 thru col. 18 line 32, and col. 26 line 35 thru col. 27 line 8). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Walker et al. system with the teaching of Lydon et al. of an audition system to carry out the preliminary examination and a predetermined workout exercised by a person before an audition in order to select the qualify contestants for audition to the national round.

Regarding claim 2, Walker et al. further discloses a method as claimed in claim 1, further comprising in the center side the steps of:

a) receiving the personal identification information (communication between device of player and central controller) (col. 6 lines 27-48), and the total personal password (col. 6 lines 27-48);

b) extracting personal identification information from the total personal password as a detected personal identification information (col. 6 line 27-48); and

c) collating (when central controller searches the data base to determine whether or not the identifier already exists) the detected personal identification information with the personal identification information received from the cell phone and specified by a cell phone number to detect whether or not both are coincident with each other and to confirm whether or not the person is authorized (fig. 3-4, col. 6 line 27 thru col. 7 line 44, and col. 8 line 60 thru col. 9 line 6).

Regarding claim 3, Walker et al. further discloses a method as claimed in claim 2, further comprising the steps of:

a) judging the personal record data included in the total personal password to produce a result of judgment from the result of the workout, only when the detected personal identification information is coincident with the received personal identification information and the person is authorized (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39); and

b) transmitting the result of judgment from the center side only to the cell phone specified by the received personal identification information (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39).

Regarding claim 4, Walker et al. further discloses a method as claimed in claim 3, comprising the steps of:

a) judging that the person is not authorized when the detected personal identification information is not coincident with the received personal identification information (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39); and

b) carrying out neither judgment of the personal record data nor transmission of any data to the person when in-coincidence is detected between the detected personal identification information and the received personal identification (fig. 2-4, col. 6 line 27 thru col. 7 line 44, col. 8 line 60 thru col. 9 line 6, and col. 12 lines 12-39).

Regarding claim 5, Walker et al. further discloses a method as claimed in claim 1, wherein the personal record data are representative of the result of the workout obtained by exercising a predetermined program designated by the center side (col. 7 lines 21 thru col. 9 line 6).

Regarding claim 6, Walker et al. further disclose a method as claimed in claim 5, wherein the predetermined program comprises the steps of: producing (generating) the personal record data by practicing a game (fig. 3-6, col. 7 line 21-65); and generating the total personal password from the personal identification information and the personal record data (fig. 3-6, col. 6 lines 27-48, and col. 7 lines 21-65).

Regarding claim 7, Walker et al. further discloses a method as claimed in claim 5, wherein the predetermined program comprises the steps of:

a) executing a predetermined educational program to obtain, as the result of the workout (col. 7 lines 21 thru col. 9 line 31, and col. 12 line 60 thru col. 13 line 15), a result of executing the predetermined educational program (col. 7 line 21 thru col. 9 line 31, and col. 12 line 60 thru col. 13 line 15), and to generate the result of executing as the personal record data (col. 6 line 49 thru col. 9 line 31); and

b) generating the total personal password from the result of executing and the personal identification information (col. 6 line 1 thru col. 9 line 31).

Regarding claim 8, Walker et al discloses a computer-readable recording medium which stores a program and which is used in an audition system to carry out a preliminary examination (abstract, #102 fig. 1, col. 5 lines 46-61), the program comprising the steps of:

a) requesting a person using the recording medium to input personal identification information (abstract, fig. 3-4, col. 6 lines 21-67);

b) generating an execution result obtained by executing the program (abstract, fig. 3, col. 7 line 21 thru col. 9 line 31); and

c) producing (generate) a total personal password of the person from the personal identification information and the execution result (abstract, fig. 3-4, col. 6 line 27 thru col. 9 line 31). However, Walker et al. does not specifically disclose a program is used in an audition system to carry out a preliminary examination.

Lydon et al. teaches a program is used in an audition system (col. 26 line 35 thru col. 27 line 8). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Walker et al. system with the teaching of



Lydon et al. of a program is used in an audition system preliminary examination in order to select the qualify contestants for audition to the national round.

Regarding claim 9, Walker further discloses a computer-readable recording medium as claimed in claim 8, said program further comprising the step of: executing a predetermined game program to obtain a game program execution result (col. 7 lines 21-65) and to generate the game program execution result as the execution result (col. 8 line 44 thru col. 9 line 6).

Regarding claim 10, Walker further discloses a computer-readable recording mediums as claimed in claim 8, said program further comprising the step of: executing a predetermined educational program (trivia tournament and question/answer) to obtain an educational program execution result (col. 7 lines 21-65) and to generate the educational program execution result as the execution result (col. 7 lines 21-65, and col. 8 line 44 thru col. 9 line 6).

Regarding claim 15, Walker et al. discloses an audition system (abstract, fig. 1) comprising a program processing device for processing a program stored in a recording medium attached (fig. 1, col. 5 lines 15-67) thereto and a cell phone (handheld) (col. 5 lines 15-37) communicable with the program processing device, and assigned with a cell phone number (col. 6 line 27-48), the audition system carrying out a preliminary examination involving a predetermined workout exercised by a person before an audition to screen candidates (qualify to advance) (abstract, fig. 2-4, col. 6 line 1-18, and col. 9 lines 7-45);  
the program processing device (#102 fig. 1) comprises:



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a) means for inputting (I/O device for entering information) personal identification information representative of a person using the recording medium (abstract, fig. 3-4, col. 5 line 15 thru col. 6 line 67);

b) means for executing the program to produce a result of executing the program (fig. 6, col. 5 line 15 thru col. 7 line 65);

c) means for generating (col. 6 line 21 thru col. 9 line 6) a total personal password related to the person on the basis of the personal identification information and the result of executing the program (fig. 1-6, col. 5 line 15 thru col. 9 line 6); the cell phone (handheld) (#104, #106 fig. 1) comprising:

d) means for transmitting (enter information and the identifier is communicated to the central controller) the personal identification information and the total personal password (fig. 3-4, col. 5 line 15 thru col. 6 line 67). However, Walker et al. does not specifically disclose the personal identification information assigned to the cell phone, and an audition system to carry out a preliminary examination involving a predetermined workout exercised by a person before an audition to screen candidates, but it would have been obvious to one ordinary skilled in the art at the time the invention was made by substituting the account number, password with cell phone number in order to verify the player's for authorizing and to avoid the imposter.

Lydon et al. teaches the audition system (server 104 fig. 1) to carry out a preliminary examination involving a predetermined workout exercised by a person before an audition (abstract, fig. 1, 4-5, 7-12, col. 17 line 4 thru col. 18 line 32, and col. 26 line 35 thru col. 27 line 8). Therefore, it would have been obvious to one ordinary

skilled in the art at the time the invention was made to modify the Walker et al. system with the teaching of Lydon et al. of preliminary examination and a predetermined workout exercised by a person before an audition in order to select the qualify contestants for audition to the national round.

Regarding claim 16, Walker et al. further discloses an audition system as claimed in claim 15, wherein the program processing device is implemented by a portable game machine while the program is a game program for the mobile game machine (portable device) (col. 5 lines 15-67).

Regarding claim 25, Walker et al. disclose an audition system (fig. 1) for use in executing a preliminary examination (qualify to advance) (abstract, col. 9 lines 10-31), involving a predetermined workout exercised by a person before an audition/test (abstract, col. 9 lines 10-31), by carrying out communication between a center side and a cell phone (handheld) owned by a person and assigned with a cell phone number (fig. 1), wherein:

the cell phone comprising:

a) transmitting means for transmitting, together with the cell phone number, a total personal password including a result of a workout exercised by the person to the center side (abstract, fig. 1, col. 5 lines 15-45, col. 6 lines 1-67, and col. 8 line 44 thru col. 9 line 31);

the center side comprising:

b) means for receiving the cell phone number (account number) and the total personal password (col. 6 lines 1-67);

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c) means for collating the detected cell phone number (account number) with the cell phone number received from the cell phone, to detect whether or not both are coincident with each other and to confirm whether or not the person is authorized (col. 6 lines 1-67, and col. 8 line 60 thru col. 9 line 45). However, Walker et al. does not specifically disclose collating the detected cell phone number with the cell phone number received from the cell phone for coincident to authorize the player to access, and an audition system to carry out a preliminary examination involving a predetermined workout exercised by a person before an audition to screen candidates, but it would have been obvious to one ordinary skilled in the art at the time the invention was made by substituting the account number, password with the cell phone number to detect the player for authorizing access to the tournament in order to avoid the imposter, and

Lydon et al. teaches the audition system (server 104 fig. 1) is carrying out a preliminary examination involving a predetermined workout exercised by a person before an audition (abstract, fig. 1, 4-5, 7-12, col. 17 line 4 thru col. 18 line 32, and col. 26 line 35 thru col. 27 line 8). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Walker et al. system with the teaching of Lydon et al. of an audition systems to carry out the preliminary examination and a predetermined workout exercised by a person before an audition in order to select the qualify contestants for audition to the national round.

Regarding claim 26, Walker et al. further disclose an audition system as claimed in claim 25, further comprising:

a) means for judging (rating) the result of the workout included in the total personal password to produce a result of judgment (col. 7 line 21-62), only when the detected cell phone number is coincident with the received cell phone number and the person is authorized (fig. 3-4, col. 7 line 21 thru col. 9 line 42, and col. 10 lines 7-16, col. 12 lines 12-65); and

b) means for transmitting the result of judgment from the center side only to the cell phone specified by the received cell phone number (col. 7 lines 21-62). However, Walker et al. does not specifically disclose detected cell phone number with the cell phone number received from the cell phone for coincident to authorize the player to access, but it would have been obvious to one ordinary skilled in the art at the time the invention was made to by substituting the account number, password with the cell phone number to detect the player for authorizing access to the tournament in order to avoid the fraudulent.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10, 15-16, and (new) 25-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



May. 20, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600